

Executive Summary – Enforcement Matter – Case No. 51058
Total Petrochemicals & Refining USA, Inc.
RN102457520
Docket No. 2015-1184-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Total Petro Chemicals & Refining USA Port Arthur Refinery, 7600 32nd Street, Port Arthur, Jefferson County

Type of Operation:

Petroleum refinery plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2015-1302-AIR-E, 2015-1530-AIR-E and 2015-1770-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 1, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$113,354

Amount Deferred for Expedited Settlement: \$22,670

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$45,342

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$45,342

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 26 and 27, 2015

Date(s) of NOE(s): July 15 and 22, 2015

Violation Information

1. Failed to comply with the emissions limits for the Delayed Coker Unit ("DCU") Heater No. 2, Emission Point Number ("EPN") 30CKRHTR2. Specifically, the Respondent exceeded the hourly emissions limits of 0.01 pound per Million British thermal units ("lb/MMBtu") of nitrogen oxides ("NOx") and 50 parts per million by volume, dry corrected to three percent oxygen ("ppmvd @ 3% O2") of carbon monoxide ("CO") for 525 hours with a range of 0.0172 to 0.1438 lb/MMBtu of NOx and for 271 hours with a range of 423.9 to 855 ppmvd @ 3% O2 of CO from October 10, 2014 through November 1, 2014, resulting in the release of approximately 346.7 pounds ("lbs") of NOx and 1,696.78 lbs of CO [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. 01267, Special Terms and Conditions ("STC") No. 29, and New Source Review ("NSR") Permit Nos. 46396, PSDTX1073M2, and No44, Special Conditions ("SC") No. 11].

2. Failed to comply with the NOx concentration limit for the Cogeneration Unit, EPN 60COGENSTK. Specifically, the Respondent exceeded the NOx concentration limit of 42 ppmvd at 15% O2, for 463 hours with a range of 42.506 to 85.927 ppmvd at 15% O2, from March 6, 2014 through April 11, 2014 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 117.105(a)(1), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01267, STC Nos. 1A and 29, and NSR Permit Nos. 46396, PSDTX1073M2, and No44, SC No. 12].

3. Failed to comply with the maximum allowable emissions rate ("MAER") for the charge heater, EPN LAERCNQFUG. Specifically, the Respondent exceeded the volatile organic compounds ("VOC") hourly emissions rate of 12.67 lbs per hour ("lbs/hr") for one hour on February 19, 2014, resulting in the unauthorized release of 293.33 lbs of VOC [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01267, STC No. 29, and NSR Permit Nos. 46396, PSDTX1073M2, and No44, SC No. 1].

4. Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery. Specifically, the Respondent did not notify the TCEQ within 24 hours of discovering an emissions event that began on February 19, 2014 at 6:30 a.m. and lasted for one hour at the charge heater, EPN LAERCNQFUG [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 01267, STC No. 2F].

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5. Failed to conduct weekly sampling for total dissolved solids. Specifically, the Respondent did not collect weekly total dissolved solids samples from the Deep Conversion Project ("DCP") Cooling Tower, EPN 30DCPCT1, for eight weeks in Calendar Year 2013 and 33 weeks in Calendar Year 2014 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01267, STC No. 29, and NSR Permit Nos. 46396, PSDTX1073M2, and No44, SC No. 39].

6. Failed to prevent unauthorized emissions. Specifically, the Respondent released 7,098.63 lbs of sulfur dioxide ("SO₂") and 77.36 lbs of hydrogen sulfide ("H₂S") from the East Flare and South Flare, EPN FLARECAP, during an avoidable emissions event (Incident No. 210955) that began on March 5, 2015 and lasted 5 hours. The event occurred due to a fuel pressure imbalance which caused the package boilers to shut down on low fuel gas pressure and resulted in flaring. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01267, STC No. 29, and NSR Permit Nos. 46396, PSDTX1073M2, and No44, SC No. 1].

7. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,059.86 lbs of SO₂ and 24.65 lbs H₂S from the North Flare, East Flare, and South Flare, EPN FLARECAP, during an avoidable emissions event (Incident No. 211254) that began on March 12, 2015 and lasted one hour and 37 minutes. The event occurred due to gasket failure and the failure of the temporary clamp, allowing emissions to vent directly into the atmosphere. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01267, STC No. 29, and NSR Permit Nos. 46396, PSDTX1073M2, and No44, SC No. 1].

8. Failed to prevent unauthorized emissions. Specifically, the Respondent released 394.32 lbs of CO, 68.93 lbs of NO_x, 271.66 lbs of VOC, 7,540 lbs of SO₂, and 866.11 lbs of H₂S from the North Flare, East Flare, and South Flare, EPN FLARECAP, during an avoidable emissions event (Incident No. 211622) that began on March 21, 2015 and lasted 32 minutes. The event occurred due to the loss of pressure at the 600-lb steam header, which was attributed to heavy rainfall, and caused excess process gases to be vented to the refinery's flare gas system. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP

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No. O1267, STC No. 29, and NSR Permit Nos. 46396, PSDTX1073M2, and No44, SC No. 1].

9. Failed to prevent unauthorized emissions. Specifically, the Respondent released 149.78 lbs of CO, 30.08 lbs of NO_x, 5,226.24 lbs of SO₂, and 596.29 lbs of H₂S from the North Flare, East Flare, and South Flare, EPN FLARECAP, during an avoidable emissions event (Incident No. 211941) that began on March 28, 2015 and lasted 23 minutes. The event occurred due to a high pressure drop across the fin fans causing a temperature excursion which over-pressurized the settling drum and resulted in flaring. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1267, STC No. 29, and NSR Permit Nos. 46396, PSDTX1073M2, and No44, SC No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On March 5, 2015, implemented steam shedding procedures and modified routine maintenance practices of swapping the fuel gas regulators on the package boiler from biweekly to monthly to prevent a recurrence of emissions events due to the same causes as Incident No. 210955;
- b. On March 15, 2015, installed a hybrid gasket, steam rings, and rain shields and replaced bolts to prevent a recurrence of emissions events due to the same causes as Incident No. 211254; and
- c. On May 4, 2015, trained operational staff to increase steam production at the Fluid Catalytic Cracking Unit in response to increased steam demand to prevent a recurrence of emissions events due to the same causes as Incident No. 211622 and to take immediate steps to restart the compressor to prevent a recurrence of emissions events due to the same causes as Incident No. 211941.

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Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Implement measures and/or procedures to ensure compliance with the emission limits for NOx and CO for EPN 30CKRHTR2;
 - ii. Implement measures and/or procedures to ensure compliance with the NOx concentration limit for EPN 60COGENSTK;
 - iii. Implement measures and/or procedures to ensure compliance with the hourly VOC emissions rate for EPN LAERCNQFUG;
 - iv. Implement measures and/or procedures to ensure that initial notifications for reportable emissions events are submitted in a timely manner; and
 - v. Implement measures and/or procedures to ensure weekly sampling for total dissolved solids are conducted.
 - b. Within 45 days, submit written certification to demonstrate compliance with a.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Jennifer Nguyen, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-6160; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Nigel Tranter, Plant Manager, Total Petrochemicals & Refining USA, Inc., P.O. Box 849, Port Arthur, Texas 77641
Respondent's Attorney: N/A

Attachment A
Docket Number: 2015-1184-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Total Petrochemicals & Refining USA, Inc.
Penalty Amount:	Ninety Thousand Six Hundred Eighty-Four Dollars (\$90,684)
SEP Offset Amount:	Forty-Five Thousand Three Hundred Forty-Two Dollars (\$45,342)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i>
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-

Total Petrochemicals & Refining USA, Inc.
Agreed Order - Attachment A

month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to the following address.

Southeast Texas Regional Planning Commission
Attention: Pamela Lewis, Program Manager
2210 Eastex Freeway
Beaumont, Texas 77703

Total Petrochemicals & Refining USA, Inc.
Agreed Order - Attachment A

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to the following address.

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to the following address.

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

Total Petrochemicals & Refining USA, Inc.
Agreed Order - Attachment A

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	27-Jul-2015	Screening	4-Aug-2015	EPA Due	18-Jan-2016
	PCW	4-Aug-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	Total Petrochemicals & Refining USA, Inc.		
Reg. Ent. Ref. No.	RN102457520		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	51058	No. of Violations	9
Docket No.	2015-1184-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jennifer Nguyen
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$56,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	100.0% Enhancement	Subtotals 2, 3, & 7	\$56,250
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Notes: Enhancement for four NOVs with same or similar violations, four NOVs with dissimilar violations, 12 orders with denial of liability, and three orders without denial of liability. Reduction for seven notices of intent to conduct an audit and three disclosures of violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,748
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$7,702
Estimated Cost of Compliance: \$43,100
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$108,752
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OTHER FACTORS AS JUSTICE MAY REQUIRE	4.2%	Adjustment	\$4,602
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 5.

Final Penalty Amount	\$113,354
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$113,354
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DEFERRAL	20.0% Reduction	Adjustment	-\$22,670
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$90,684
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Screening Date 4-Aug-2015

Docket No. 2015-1184-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 4 (April 2014)

Case ID No. 51058

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Jennifer Nguyen

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	12	240%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	7	-7%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	3	-6%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 330%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with same or similar violations, four NOVs with dissimilar violations, 12 orders with denial of liability, and three orders without denial of liability. Reduction for seven notices of intent to conduct an audit and three disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 330%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 4-Aug-2015

Docket No. 2015-1184-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 4 (April 2014)

Case ID No. 51058

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Jennifer Nguyen

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. 01267, Special Terms and Conditions ("STC") No. 29, and New Source Review ("NSR") Permit Nos. 46396, PSDTX1073M2, and N044, Special Conditions ("SC") No. 11

Violation Description

Failed to comply with the emissions limits for the Delayed Coker Unit ("DCU") Heater No. 2, Emission Point Number ("EPN") 30CKRHTR2. Specifically, the Respondent exceeded the hourly emissions limits of 0.01 pound per Million British thermal units ("lb/MMBtu") of nitrogen oxides ("NOx") and 50 parts per million by volume, dry corrected to three percent oxygen ("ppmvd @ 3% O2") of carbon monoxide ("CO") for 525 hours with a range of 0.0172 to 0.1438 lb/MMBtu of NOx and for 271 hours with a range of 423.9 to 855 ppmvd @ 3% O2 of CO from October 10, 2014 through November 1, 2014, resulting in the release of approximately 346.7 pounds ("lbs") of NOx and 1,696.78 lbs of CO.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 22 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended for the period of noncompliance from October 10, 2014 through November 1, 2014.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$696

Violation Final Penalty Total \$7,817

This violation Final Assessed Penalty (adjusted for limits) \$7,817

Economic Benefit Worksheet

Respondent Total Petrochemicals & Refining USA, Inc.

Case ID No. 51058

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	10-Oct-2014	1-Mar-2016	1.39	\$696	n/a	\$696

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to ensure compliance with the emission limits for NOx and CO for EPN 30CKRHTR2. The Date Required is the first date of non-compliance. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$696

Screening Date 4-Aug-2015

Docket No. 2015-1184-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 4 (April 2014)

Case ID No. 51058

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Jennifer Nguyen

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), 117.105(a)(1), and 122.143(4),
Tex. Health & Safety Code § 382.085(b), FOP No. 01267, STC Nos. 1A and 29, and
NSR Permit Nos. 46396, PSDTX1073M2, and N044, SC No. 12

Violation Description

Failed to comply with the NOx concentration limit for the Cogeneration Unit, EPN
60COGENSTK. Specifically, the Respondent exceeded the NOx concentration limit of
42 ppmvd at 15% O₂, for 463 hours with a range of 42.506 to 85.927 ppmvd at
15% O₂, from March 6, 2014 through April 11, 2014.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix
Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do
not exceed levels that are protective of human health or environmental receptors as a result of the
violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

36 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for
this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$995

Violation Final Penalty Total \$7,817

This violation Final Assessed Penalty (adjusted for limits) \$7,817

Economic Benefit Worksheet

Respondent Total Petrochemicals & Refining USA, Inc.
Case ID No. 51058
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	6-Mar-2014	1-Mar-2016	1.99	\$995	n/a	\$995

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to ensure compliance with the NOx concentration limit for EPN 60COGENSTK. The Date Required is the first date of non-compliance. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$995

Screening Date 4-Aug-2015

Docket No. 2015-1184-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 4 (April 2014)

Case ID No. 51058

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Jennifer Nguyen

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1267, STC No. 29, and NSR Permit Nos. 46396, PSDTX1073M2, and N044, SC No. 1

Violation Description

Failed to comply with the maximum allowable emissions rate ("MAER") for the charge heater, EPN LAERCNQFUG. Specifically, the Respondent exceeded the volatile organic compounds ("VOC") hourly emissions rate of 12.67 lbs per hour ("lbs/hr") for one hour on February 19, 2014, resulting in the unauthorized release of 293.33 lbs of VOC.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,015

Violation Final Penalty Total \$7,817

This violation Final Assessed Penalty (adjusted for limits) \$7,817

Economic Benefit Worksheet

Respondent Total Petrochemicals & Refining USA, Inc.
Case ID No. 51058
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	19-Feb-2014	1-Mar-2016	2.03	\$1,015	n/a	\$1,015

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to ensure compliance with the hourly VOC emissions rate for EPN LAERCNQFUG. The Date Required is the first date of non-compliance. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,015

Screening Date 4-Aug-2015

Docket No. 2015-1184-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 4 (April 2014)

Case ID No. 51058

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Jennifer Nguyen

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. O1267, STC No. 2F

Violation Description

Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery. Specifically, the Respondent did not notify the TCEQ within 24 hours of discovering an emissions event that began on February 19, 2014 at 6:30 a.m. and lasted for one hour at the charge heater, EPN LAERCNQFUG.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$152

Violation Final Penalty Total \$7,817

This violation Final Assessed Penalty (adjusted for limits) \$7,817

Economic Benefit Worksheet

Respondent Total Petrochemicals & Refining USA, Inc.
Case ID No. 51058
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	20-Feb-2014	1-Mar-2016	2.03	\$152	n/a	\$152
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to ensure that initial notifications for reportable emissions events are submitted in a timely manner. The Date Required is the date notification was due. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$152

Screening Date 4-Aug-2015

Docket No. 2015-1184-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 4 (April 2014)

Case ID No. 51058

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Jennifer Nguyen

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1267, STC No. 29, and NSR Permit Nos. 46396, PSDTX1073M2, and N044, SC No. 39

Violation Description

Failed to conduct weekly sampling for total dissolved solids. Specifically, the Respondent did not collect weekly total dissolved solids samples from the Deep Conversion Project ("DCP") Cooling Tower, EPN 30DCPCT1, for eight weeks in Calendar Year 2013 and 33 weeks in Calendar Year 2014.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 7

287 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$26,250

Seven quarterly events are recommended for the instances of non-compliance that occurred from March 3, 2013 through September 13, 2014.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$26,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,827

Violation Final Penalty Total \$54,722

This violation Final Assessed Penalty (adjusted for limits) \$54,722

Economic Benefit Worksheet

Respondent Total Petrochemicals & Refining USA, Inc.
 Case ID No. 51058
 Reg. Ent. Reference No. RN102457520
 Media Air
 Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	3-Mar-2013	1-Mar-2016	3.00	\$225	n/a	\$225
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to ensure weekly sampling for total dissolved solids are conducted. The Date Required is the first date sampling could have been conducted. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$4,100	3-Mar-2013	13-Sep-2014	2.45	\$502	\$4,100	\$4,602
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Avoided cost to conduct weekly sampling for total dissolved solids (\$100/weekly sample x 41 weeks missed). The Date Required is the first date sampling could have been conducted. The Final Date is the last date sampling could have been conducted.

Approx. Cost of Compliance

\$5,600

TOTAL

\$4,827

Screening Date 4-Aug-2015

Docket No. 2015-1184-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 4 (April 2014)

Case ID No. 51058

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Jennifer Nguyen

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01267, STC No. 29, and NSR Permit Nos. 46396, PSDTX1073M2, and N044, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 7,098.63 lbs of sulfur dioxide ("SO₂") and 77.36 lbs of hydrogen sulfide ("H₂S") from the East Flare and South Flare, EPN FLARECAP, during an avoidable emissions event (Incident No. 210955) that began on March 5, 2015 and lasted 5 hours. The event occurred due to a fuel pressure imbalance which caused the package boilers to shut down on low fuel gas pressure and resulted in flaring. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent completed corrective measures on March 5, 2015, before the July 22, 2015 Notice of Enforcement ("NOE").

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,841

This violation Final Assessed Penalty (adjusted for limits) \$6,841

Economic Benefit Worksheet

Respondent Total Petrochemicals & Refining USA, Inc.

Case ID No. 51058

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	5-Mar-2015	5-Mar-2015	0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement steam shedding procedures and to modify routine maintenance practices of swapping the fuel gas regulators on the package boiler from biweekly to monthly to prevent a recurrence of emissions events due to the same causes as Incident No. 210955. The Date Required is the date of the emissions event. The Final Date is the date the corrective measures were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$0

Screening Date 4-Aug-2015

Docket No. 2015-1184-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 4 (April 2014)

Case ID No. 51058

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Jennifer Nguyen

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1267, STC No. 29, and NSR Permit Nos. 46396, PSDTX1073M2, and N044, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,059.86 lbs of SO₂ and 24.65 lbs H₂S from the North Flare, East Flare, and South Flare, EPN FLARECAP, during an avoidable emissions event (Incident No. 211254) that began on March 12, 2015 and lasted one hour and 37 minutes. The event occurred due to gasket failure and the failure of the temporary clamp, allowing emissions to vent directly into the atmosphere. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent completed corrective measures on March 15, 2015, before the July 22, 2015 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$6,841

This violation Final Assessed Penalty (adjusted for limits) \$6,841

Economic Benefit Worksheet

Respondent Total Petrochemicals & Refining USA, Inc.

Case ID No. 51058

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$1,500	12-Mar-2015	15-Mar-2015	0.01	\$0	\$1	\$1
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install a hybrid gasket, steam rings, and rain shields and to replace bolts to prevent a recurrence of emissions events due to the same causes as Incident No. 211254. The Date Required is the date of the emissions event. The Final Date is the date the corrective measures were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$1

Screening Date 4-Aug-2015

Docket No. 2015-1184-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 4 (April 2014)

Case ID No. 51058

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Jennifer Nguyen

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01267, STC No. 29, and NSR Permit Nos. 46396, PSDTX1073M2, and N044, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 394.32 lbs of CO, 68.93 lbs of NOx, 271.66 lbs of VOC, 7,540 lbs of SO2, and 866.11 lbs of H2S from the North Flare, East Flare, and South Flare, EPN FLARECAP, during an avoidable emissions event (Incident No. 211622) that began on March 21, 2015 and lasted 32 minutes. The event occurred due to the loss of pressure at the 600-lb steam header, which was attributed to heavy rainfall, and caused excess process gases to be vented to the refinery's flare gas system. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective measures on May 4, 2015, before the July 22, 2015 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$6,841

This violation Final Assessed Penalty (adjusted for limits) \$6,841

Economic Benefit Worksheet

Respondent Total Petrochemicals & Refining USA, Inc.
 Case ID No. 51058
 Reg. Ent. Reference No. RN102457520
 Media Air
 Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	21-Mar-2015	4-May-2015	0.12	\$9	n/a	\$9
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to train operational staff to increase steam production at the Fluid Catalytic Cracking Unit in response to increased steam demand to prevent a recurrence of emissions events due to the same causes as Incident No. 211622. The Date Required is the date of the emissions event. The Final Date is the date the corrective measures were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$9

Screening Date 4-Aug-2015

Docket No. 2015-1184-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 4 (April 2014)

Case ID No. 51058

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Jennifer Nguyen

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01267, STC No. 29, and NSR Permit Nos. 46396, PSDTX1073M2, and N044, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 149.78 lbs of CO, 30.08 lbs of NOx, 5,226.24 lbs of SO2, and 596.29 lbs of H2S from the North Flare, East Flare, and South Flare, EPN FLARECAP, during an avoidable emissions event (Incident No. 211941) that began on March 28, 2015 and lasted 23 minutes. The event occurred due to a high pressure drop across the fin fans causing a temperature excursion which over-pressurized the settling drum and resulted in flaring. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent completed corrective measures on May 4, 2015, before the July 22, 2015 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$6,841

This violation Final Assessed Penalty (adjusted for limits) \$6,841

Economic Benefit Worksheet

Respondent Total Petrochemicals & Refining USA, Inc.
 Case ID No. 51058
 Reg. Ent. Reference No. RN102457520
 Media Air
 Violation No. 9

Percent Interest 5.0
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	28-Mar-2015	4-May-2015	0.10	\$8	n/a	\$8
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to train operational staff to take immediate steps to restart the compressor to prevent a recurrence of emissions events due to the same causes as Incident No. 211941. The Date Required is the date of the emissions event. The Final Date is the date the corrective measures were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$8

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PENDING Compliance History Report for CN600582399, RN102457520, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator:	CN600582399, Total Petrochemicals & Refining USA, Inc.	Classification:	SATISFACTORY	Rating:	8.83
Regulated Entity:	RN102457520, TOTAL PETROCHEMICALS & REFINING USA PORT ARTHUR REFINERY	Classification:	SATISFACTORY	Rating:	19.81
Complexity Points:	49	Repeat Violator:	NO		
CH Group:	02 - Oil and Petroleum Refineries				
Location:	7600 32ND ST PORT ARTHUR, TX 77642-7901, JEFFERSON COUNTY				
TCEQ Region:	REGION 10 - BEAUMONT				

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50074

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30002

WASTEWATER EPA ID TX0004201

AIR NEW SOURCE PERMITS REGISTRATION 11273

AIR NEW SOURCE PERMITS PERMIT 46396

AIR NEW SOURCE PERMITS REGISTRATION 55631

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX453M1

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1073

AIR NEW SOURCE PERMITS EPA PERMIT N044

AIR NEW SOURCE PERMITS REGISTRATION 101797

AIR NEW SOURCE PERMITS REGISTRATION 101776

AIR NEW SOURCE PERMITS REGISTRATION 110761

AIR NEW SOURCE PERMITS REGISTRATION 110773

AIR NEW SOURCE PERMITS REGISTRATION 109181

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1073M2

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1426

AIR NEW SOURCE PERMITS REGISTRATION 132215

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX114

AIR NEW SOURCE PERMITS REGISTRATION 131467

AIR NEW SOURCE PERMITS PERMIT 122353

AIR OPERATING PERMITS ACCOUNT NUMBER JE0005H

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0005H

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD065099160

WASTEWATER PERMIT WQ0000491000

AIR NEW SOURCE PERMITS REGISTRATION 121637

AIR NEW SOURCE PERMITS REGISTRATION 35330

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0005H

AIR NEW SOURCE PERMITS AFS NUM 4824500037

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX453

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1073M1

AIR NEW SOURCE PERMITS REGISTRATION 101772

AIR NEW SOURCE PERMITS REGISTRATION 102135

AIR NEW SOURCE PERMITS REGISTRATION 118814

AIR NEW SOURCE PERMITS REGISTRATION 110766

AIR NEW SOURCE PERMITS REGISTRATION 107454

AIR NEW SOURCE PERMITS REGISTRATION 108341

AIR NEW SOURCE PERMITS REGISTRATION 110165

AIR NEW SOURCE PERMITS REGISTRATION 118073

AIR NEW SOURCE PERMITS REGISTRATION 110768

AIR NEW SOURCE PERMITS REGISTRATION 111965

AIR NEW SOURCE PERMITS REGISTRATION 110763

AIR NEW SOURCE PERMITS REGISTRATION 110769

AIR OPERATING PERMITS PERMIT 1267

POLLUTION PREVENTION PLANNING ID NUMBER P00241

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: September 23, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 23, 2010 to September 23, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jennifer Nguyen

Phone: (512) 239-6160

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

- 3) If **YES** for #2, who is the current owner/operator? N/A
4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 05/08/2011 ADMINORDER 2009-0131-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions No. 8 PERMIT

Special Condition 1 PERMIT

Special Condition 27 OP

Description: Failed to maintain allowable emissions rates. Specifically, the annual emission limits for volatile organic compounds ("VOCs") were exceeded for 12 tanks during 2006: 22TANK0482 by 0.5 ton, 22TANK0516 by 0.042 ton, 22TANK0530 by 1.08 tons, 22TANK0537 by 0.18 ton, 22TANK0541 by 5.16 tons, 22TANK0542 by 4.95 tons, 22TANK0906 by 0.65 ton, 22TANK0907 by 0.65 ton, 22TANK0917 by 1.37 tons, 22TANK0918 by 1.72 tons, 22TANK0934 by 0.39 ton, and 20TANK2000 by 0.1 ton.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Special Condition 27 OP

Special Condition 8 PERMIT

Description: Failed to maintain allowable emissions rates. Specifically, the annual emission limits for five combustion sources were exceeded during 2006: 17REFREGEN by 2.7 tons for carbon monoxide ("CO"), 17REFREGEN by 0.8 ton for hydrogen chloride, 22BZNTKFLR by 0.77 ton for CO, 45DOCKFLR2 by 0.41 ton for VOC, 45DOCKFLR2 by 2.55 tons for nitrogen oxides ("NOx"), 51DHT1H-3 by 1.52 tons for NOx, 52DHT2H-2A by 3.83 tons for NOx.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01267 General Terms and Conditions OP

O-01267 Special Condition 2F OP

Description: Failed to properly report an emissions event. Specifically, the Respondent did not submit an accurate final report for Incident No. 115548. The Respondent failed to accurately document emission point names and numbers where the unauthorized emissions were released to the atmosphere, the compound descriptive type of all compounds released during the event, and the respective quantities of those compounds released

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01267 General Terms and Conditions OP

O-01267 Special Condition 26 OP

Permit 54026 Special Condition 1 PERMIT

Permit 9195A Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 115548. Specifically, an emissions event at the North Flare (41NORTHFLR), South Flare (53 SOUTHFLR), and Sulfur Recovery Unit (15SRUINCIN) occurred on October 16, 2008 releasing 37,937.78 pounds ("lbs") of sulfur dioxide and 362.12 lbs of hydrogen sulfide for a period of nine hours and 20 minutes.

2 Effective Date: 07/31/2011 ADMINORDER 2010-1300-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8 PERMIT
 Special Condition 1 PERMIT
 Special Condition 2 PERMIT
 Special Terms and Conditions 28 OP

Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8 PERMIT
 Special Terms and Conditions 28 PERMIT

Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8 PERMIT
 Special Condition 2 PERMIT
 Special Terms and Conditions 28 OP

Description: Failure to maintain allowable emissions rates and concentrations. EIC A8 C(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
 Special Terms and Conditions 28 OP

Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(i)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
 Special Condition 3 PERMIT
 Special Terms and Condition 28 OP

Description: Failure to maintain allowable emissions rates and concentrations. EIC A8 C(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 8 PERMIT
Special Terms and Conditions 28 OP
Description: Failure to maintain allowable emissions rates and concentrations. EIC A8 C(2)(A)(ii) MOD(2)(D)
Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.780
Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 3 PERMIT
Special Terms and Conditions 28 OP

Description: Failure to maintain proper temperature at the chlorosorb inlet. EIC A8 C(1)(B) MOD (2)(G)
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 106, SubChapter A 106.6(b)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8 PERMIT
Special Condition 1 PERMIT
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 4 PERMIT
Special Terms and Conditions 28 OP

Description: Failure to authorize Tank 586, EPN 22TANK0586, for its current service. EIC A2.c MOD (2)(G)
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 28 OP

Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c2(A)(ii)
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 18 PERMIT
Special Condition 19 PERMIT
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable throughput rates. EIC B18 Repeat and Rolled in. MOD (2)(D)

3 Effective Date: 08/27/2011 ADMINORDER 2011-0260-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: PSD-TX-1005, Special Condition 1 PERMIT
PSD-TX-1005, Special Condition 12 PERMIT
Special Condition 17 OP
Description: Failure to maintain allowable emissions rates and firing rates at Emission Point Number (EPN) 40CSPLTH-1.
EIC A8c.(2)(A)(ii) MOD(2)(D)

4 Effective Date: 04/05/2012 ADMINORDER 2011-1477-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. 01267, Spec Terms and Cond No 29 OP
Permit No. 5694A, Gen Cond No. 8 PERMIT
Permit Nos 18936 & PSDTX762M3, MAERT PERMIT
Permit Nos 18936 & PSDTX762M3, SC 8 PERMIT

Description: Failed to comply with the hourly allowable emissions rate and the concentration limit, as documented during an investigation conducted from April 12 to April 15, 2011, and shown in the attached table. Specifically, the Respondent exceeded the carbon monoxide ("CO") hourly emission rate, exceeded the sulfur dioxide ("SO2") hourly emission rate, and exceeded the CO and SO2 concentration limits at Emissions Point Number (EPN) 55RGNFLUGS, resulting in the total release of 600.07 lbs of CO and 628

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. 01267, Spec Terms & Cond 29 OP
Permit No. 8983A, Spec Cond No 1 PERMIT
Permit Nos. 3615 and PSDTX058, GC 1 PERMIT
Permit Nos. 9194A and PSDTX453M6, SC 1 PERMIT

Description: Failed to comply with the hourly allowable emissions rate, as documented during an investigation conducted from April 12 to April 15, 2011, and shown in the attached table. Specifically, on January 8 and January 10, 2010, the Respondent exceeded the allowable hourly emissions rates for four heaters, resulting in the release of 6.53 lbs of SO2.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(i)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. 01267 SC No 29 OP
Permit No. 43109, Spec Cond No 3 PERMIT
Permit No. 43109, Spec Cond No 8 PERMIT
Permit Nos 9195A & PSDTX453M6 SC 1 PERMIT
Permit Nos 9195A & PSDTX453M6 SC 3A ORDER
Permit Nos 9195A and PSDTX453M6 SC 5 PERMIT

Description: Failed to comply with the hourly allowable emissions rate and the concentration limits, as documented during an investigation conducted from April 12 to April 15, 2011, and shown in the attached table. Specifically, the Respondent exceeded the CO hourly emission rate and exceeded the NOx concentration limit at EPN 61STACKBLR, resulting in the total release of 1,090.14 lbs of CO. The Respondent exceeded the CO hourly emission rate, exceeded the SO2 hourly emission

rate, exceeded the hydrogen

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. 01267, Spec Cond 29 OP

Permit Nos. 9193A & PSDTX453M6, SC 2 PERMIT

Description: Failed to comply with the hourly allowable emissions rate, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, during the periods of January 1, 2010 to March 31, 2010 and October 1, 2010 to December 31, 2010, the Respondent exceeded the CO hourly emission rate of 7.33 lbs/hr for 49 hours and the SO2 hourly emission rate of 2.64 lbs/hr for one hour at EPN 13UNIBH301, resulting in the total release of 173.28 lbs of CO

and 0.62 lbs

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(f)(1)(i)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. 01267 SC 29 OP

Permit Nos. 46396 & PSDTX1073M1 SC 1 PERMIT

Permit Nos. 46396 & PSDTX1073M1 SC 24 PERMIT

Permit Nos. 46396 & PSDTX1073M1 SC 26 PERMIT

Description: Failed to comply with the hourly allowable emissions rate, the concentration limit, and the minimum firebox temperature, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, during the period of October 1, 2010 to December 31, 2010, the Respondent exceeded the SO2 hourly emission rate of 55.31 lbs/hr for six hours and exceeded the H2S hourly emission rate of 0.03 lbs/hr for six hours at EPN 25RUINCIN, resulting in the total release of 454.56 lbs of SO2

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter U 106.472
30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. 01267 SC 29 OP

PBR 30 Tex. Admin. Code § 106.472 PERMIT

Description: Failed to operate an emission source as represented in the authorization, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, from November 16, 2010 to December 20, 2010, the Respondent stored volatile organic compounds ("VOC") in Spent Acid Tank 923. The tank is authorized for spent acid and not for VOC service and is not equipped with proper control devices for VOC storage; therefore, all VOC emissions released from the tank are unauthorized. An

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. 01267 SC 29 OP

Permit No. 56385, Spec Cond No. 1 PERMIT

Description: Failed to comply with the hourly allowable emissions rate, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, between April 21, 2010 and December 6, 2010, the Respondent exceeded the allowable VOC hourly emissions rates for 21 EPNs during 70 monitoring events, resulting in the total release of 270.259 lbs of VOC.

5 Effective Date: 08/02/2012 ADMINORDER 2012-0087-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 46396, Special Condition 1 PERMIT

54026, Special Condition 1 PERMIT

8983A, Special Condition 1 PERMIT

FOP 1267, General Terms and Conditions OP

FOP 1267, Special Condition 29 OP

Description: Failed to prevent unauthorized emissions, as documented during a record review conducted from September 7, 2011 through October 14, 2011. Specifically, the Respondent released 502.02 pounds ("lbs") of hydrogen sulfide, 48,346.12 lbs of sulfur dioxide, 137.72 lbs of nitrogen oxides, 67.24 lbs volatile organic compounds, and 33.06 lbs of carbon monoxide from the North, South, and East Flares, Coke Heater 2, the Distillate Hydrotreater 3 Heater, the Sulfur Recovery Unit (SRU) 4 Tailgas Thermal

6 Effective Date: 09/29/2012 ADMINORDER 2012-0335-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: and PSDTX1073M1, Special Condition 1 PERMIT

General conditions No. 8 PERMIT

Special Condition 29 OP

Description: Failed to prevent unauthorized emissions. Specifically, Respondent released 12,089.02 pounds ("lbs") of nitrogen oxides, 8,773.33 lbs of sulfur dioxide, 574.33 lbs of carbon monoxide, 526.13 lbs of volatile organic compounds, 173.55 lbs of particulate matter, and 91.93 lbs of hydrogen sulfide from the Coker Flare and the Cogeneration Stack during an avoidable emissions event (Incident Nos. 160291 and 160297) that began on October 7, 2011, and lasted 17 hours. The event was the result of hydrog

7 Effective Date: 04/27/2013 ADMINORDER 2012-0821-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Conditions No. 1 PERMIT

Special Conditions No. 10 PERMIT

STC 29 OP

Description: Failed to comply with the allowable hourly emissions rate, as documented during a record review conducted on March 2, 2012. Specifically, during the reporting period of October 1, 2011 through December 31, 2011, the Respondent exceeded the allowable nitrogen oxides ("NOx") hourly emissions rate of 2.11 pounds per hour ("lbs/hr") for a total of 134 hours, the carbon monoxide ("CO") parts per million ("ppm") limit of 50 ppm for nine hours, and the NOx emission limit of 0.01 pound per million Brit

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit No. 46396, SC No. 1 PERMIT

STC 29 OP

Description: Failed to comply with the allowable hourly emissions rate, as documented during a record review conducted on March 2, 2012. Specifically, during a performance stack test conducted on December 2, 2011, the Respondent exceeded the particulate matter ("PM") maximum allowable hourly emissions rate of 0.74 lb/hr for EPN 06VDU2CHTR.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(iii)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: & PSDTX1073M1, SC 1 PERMIT

SC 1A OP

SC 29 OP

Description: Failed to comply with the allowable hourly emissions rate and to maintain a floating roof, as documented during a record review conducted on March 2, 2012. Specifically, for a total of two hours during the reporting period of January 1, 2011 through March 31, 2011, the Respondent exceeded the allowable volatile organic compounds ("VOC") hourly emission rate of 0.66 pound per hour ("lb/hr") when the roof of Tank 543 was not floating on the liquid in the tank, resulting in the unauthorized release

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: & PSDTX1073M1, SC 1 PERMIT

& PSDTX1073M1, SC 10 PERMIT

SC 29 OP

Description: Failed to comply with the allowable hourly emissions rate, as documented during a record review conducted on March 2, 2012. Specifically, during the reporting period of July 1, 2011 through September 30, 2011, the Respondent exceeded the allowable nitrogen oxides ("NOx") hourly emission rate of 2.11 lb/hr for a total of 115 hours and the NOx emission limit of 0.01 lbs per million British thermal units ("lb/MMBtu") on an hourly average was exceeded for 137 hours at Emission Point No. 30CKRHTR2,

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: & PSDTX1073M1, SC 1 PERMIT

SC 29 OP

Description: Failed to comply with the allowable hourly emissions rate, as documented during a record review conducted on March 2, 2012. Specifically, during performance stack tests conducted on April 25 and 28, 2011, June 30, 2011, and July 1 and 2, 2011, the Respondent exceeded the particulate matter ("PM") maximum allowable hourly emissions rate of 0.60 lb/hr for EPNs 25SRUINCIN and 36SRUINCIN

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: & PSDTX1073M1, SC 1 PERMIT

SC 29 OP

Description: Failed to comply with the allowable hourly emissions rate, as documented during a record review conducted on March 2, 2012. Specifically, during a performance stack test conducted on July 26, 2011, the Respondent exceeded the PM maximum allowable hourly emissions rate of 0.74 lb/hr for EPN 06VDU2CHTR.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: & PSDTX1073M1, SC 1 PERMIT

SC 29 OP

Description: Failed to comply with the allowable hourly emissions rate, as documented during a record review conducted on March 2, 2012. Specifically, during a performance stack test conducted on May 25, 2011, the Respondent exceeded the PM maximum allowable hourly emissions rate of 1.57 lbs/hr for EPN 30CKRHTR1.

8 Effective Date: 11/11/2013 ADMINORDER 2013-0298-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: and PSDTX1073M2, Special Condition 1 PERMIT
General Terms and Conditions OP
Special Condition 29 OP

Description: Failure to maintain an emission rate below the allowable emission limit at EPN 36SRUINCIN.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: and PSDTX1005, Special Condition 1 PERMIT
General Terms and Conditions OP
Special Condition 29 OP

Description: Failure to comply with the emissions limits as found in Permit 20381.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
PSDTX1073M1, N044, SPECIAL CONDITIONS 1 PERMIT
SPECIAL TERMS AND CONDITIONS 29 OP
SPECIAL TERMS AND CONDITIONS 32B OP

Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(1)(C) MOD(2)(D)

9 Effective Date: 01/24/2014 ADMINORDER 2013-0773-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: , PSDTX1073M1, AND N044, SC 1 PERMIT
GENERAL TERMS AND CONDITIONS OP
SPECIAL TERMS AND CONDITIONS 29 OP
SPECIAL TERMS AND CONDITIONS 32B OP

Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(1)(C) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
PSDTX1073M1 N044, SPECIAL CONDITIONS 1 PERMIT
SPECIAL TERMS AND CONDITIONS 29 OP
SPECIAL TERMS AND CONDITIONS 32B OP

Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(1)(C) MOD(2)(D)

10 Effective Date: 10/05/2014 ADMINORDER 2014-0046-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 101, SubChapter F 101.201(c)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: , PSDTX1073M1 & N044, GEN. CONDITIONS 9 PERMIT

GENERAL TERMS AND CONDITIONS OP
SPECIAL TERMS AND CONDITIONS 29 OP
SPECIAL TERMS AND CONDITIONS 2F OP

Description: Failed to submit a final record for Incident No. 185338 no later than two weeks after the end of the emissions event. Specifically, the final report was due by July 23, 2013 at 11:00 p.m., but was not submitted until July 24, 2013 at 2:15 p.m.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: , PSDTX1073M1 & N044, GEN. CONDITIONS 8 PERMIT
, PSDTX1073M1 & N044, SP. CONDITIONS 1 PERMIT
GENERAL TERMS AND CONDITIONS OP
SPECIAL TERMS AND CONDITIONS 29 OP

Description: Failed to prevent unauthorized emissions. The Respondent released 2,985.60 lbs of SO₂ and 83.53 lbs of H₂S from the Tail Gas Thermal Oxidizer, EPN 15SRUINCIN, during an emissions event (Incident No. 185338) that began on July 9, 2013 and lasted six hours. The event occurred when a leak developed on the amine piping to the rich/lean amine exchanger within the SCOT No. 1 Unit. Since this emissions event was not properly reported, the Respondent is precluded from asserting an affirmative defense.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: , PSDTX1073M1 & N044, GEN. CONDITIONS 8 PERMIT
, PSDTX1073M1 & N044, SP. CONDITIONS 1 PERMIT
GENERAL TERMS AND CONDITIONS OP
SPECIAL TERMS AND CONDITIONS 29 OP

Description: Failed to prevent unauthorized emissions. The Respondent released 5,022.89 lbs of SO₂, 76.75 lbs of nitrogen oxides, 55.36 lbs of H₂S, 34.54 lbs of particulate matter, and 24.42 lbs of volatile organic compounds from the Delayed Coker Unit Heater Nos. 1 and 2, EPNs 30CKRHTR1 and 30CKRHTR2, and the East and South Flares, EPN FLARECAP, during an emissions event (Incident No. 185704) that began on July 19, 2013 and lasted one hour and 30 minutes.

11 Effective Date: 02/06/2015 ADMINORDER 2014-0743-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SPECIAL TERMS AND CONDITIONS 29 OP
SPECIAL TERMS AND CONDITIONS 2F OP

Description: The Respondent failed to submit the final record for Incident No. 188566 within two weeks after the end of the emissions event.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
PSDTX1073M1 & N044, SPECIAL CONDITIONS 1 PERMIT
SPECIAL TERMS AND CONDITIONS 29 OP

Description: Failed to prevent unauthorized emissions. Since the emissions event could have been avoided through better operational practices and the final record for the event was reported late, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
PSDTX1073M1 & N044, GENERAL CONDITIONS 8 PERMIT
PSDTX1073M1 & N044, SPECIAL CONDITIONS 1 PERMIT
SPECIAL TERMS AND CONDITIONS 29 OP

Description: Failed to prevent unauthorized emissions. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SPECIAL TERMS AND CONDITIONS 29 OP
SPECIAL TERMS AND CONDITIONS 2F OP

Description: The Respondent failed to submit the initial notification for a reportable emissions event within 24 hours of discovery.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SPECIAL CONDITIONS 1 PERMIT
SPECIAL TERMS AND CONDITIONS 29 OP

Description: Failed to prevent unauthorized emissions. Since the emissions event was reported late, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

12 Effective Date: 06/04/2015 ADMINORDER 2014-1605-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Terms and Conditions 2F OP

Description: Failure to submit an initial notification for Incident No. 191049 within 24 hours of discovery of the emissions event. Specifically, the initial notification was due by November 19, 2013 at 2:30 p.m., but was not submitted until November 20, 2013 at 7:52 a.m.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Terms and Conditions 29 OP

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 188 pounds of volatile organic compounds and 30 pounds of hydrogen sulfide from the 28VHP Leak Detection and Repair Program Fugitives, Emissions Point No. 28VHPFUG, during an emissions event (Incident No. 191049) that began on November 18, 2013 and lasted for 19 hours and 30 minutes.

13 Effective Date: 06/12/2015 ADMINORDER 2014-1550-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. 01267, STC No. 29 OP
NSR Permit No. 46396, SC No. 33 PERMIT

Description: Failed to provide a sufficient volume to ensure that sour water residence time in Volatile Organic Compounds ("VOC") Storage Tank No. 1000 ("Tank 1000") and VOC Storage Tank No. 1002 ("Tank 1002") is three days. Specifically, on or about August 7, 2014, the Respondent removed VOC Storage Tank No. 1001 from service and began operating Tanks 1000 and 1002 without sufficient volume, resulting in a sour water residence time of less than three days.

- 14 Effective Date: 09/15/2015 ADMINORDER 2014-1289-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Special Condition 29 OP
Description: Failure to comply with Maintenance Startup and Shutdown (MSS) emissions limits for tanks as listed in the Maximum Allowable Emissions Rates Table (MAERT) of Permit 46396.

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	October 18, 2010	(881477)
Item 2	October 28, 2010	(869954)
Item 3	October 29, 2010	(872259)
Item 4	November 03, 2010	(864116)
Item 5	November 18, 2010	(888008)
Item 6	December 17, 2010	(896210)
Item 7	January 20, 2011	(886654)
Item 8	February 12, 2011	(894703)
Item 9	March 11, 2011	(916319)
Item 10	April 08, 2011	(924760)
Item 11	May 24, 2011	(908045)
Item 12	June 10, 2011	(914692)
Item 13	June 17, 2011	(945323)
Item 14	August 10, 2011	(933596)
Item 15	August 29, 2011	(933491)
Item 16	September 12, 2011	(951969)
Item 17	September 22, 2011	(956724)
Item 18	October 11, 2011	(971351)
Item 19	October 12, 2011	(952093)
Item 20	October 14, 2011	(958045)
Item 21	November 11, 2011	(977511)
Item 22	November 29, 2011	(958801)
Item 23	November 30, 2011	(969375)
Item 24	December 09, 2011	(984277)

Item 25	December 16, 2011	(974564)
Item 26	January 13, 2012	(990579)
Item 27	January 19, 2012	(976971)
Item 28	February 07, 2012	(982732)
Item 29	February 17, 2012	(980732)
Item 30	February 24, 2012	(988060)
Item 31	April 16, 2012	(1010027)
Item 32	April 19, 2012	(988208)
Item 33	April 30, 2012	(997171)
Item 34	May 08, 2012	(1002073)
Item 35	May 16, 2012	(1002274)
Item 36	May 18, 2012	(1016422)
Item 37	May 30, 2012	(1002953)
Item 38	June 09, 2012	(1008869)
Item 39	July 27, 2012	(1021025)
Item 40	August 09, 2012	(1015946)
Item 41	August 10, 2012	(1037914)
Item 42	August 16, 2012	(1022467)
Item 43	August 20, 2012	(1027339)
Item 44	August 21, 2012	(1021951)
Item 45	September 12, 2012	(1028012)
Item 46	September 17, 2012	(1046642)
Item 47	September 18, 2012	(1031369)
Item 48	October 15, 2012	(1036834)
Item 49	October 26, 2012	(1027738)
Item 50	November 12, 2012	(1060789)
Item 51	November 15, 2012	(1037017)
Item 52	November 19, 2012	(1042247)
Item 53	December 11, 2012	(1060790)
Item 54	January 08, 2013	(1051134)
Item 55	January 10, 2013	(1078913)
Item 56	February 05, 2013	(1053207)
Item 57	February 11, 2013	(1055972)
Item 58	February 18, 2013	(1078912)
Item 59	March 19, 2013	(1089280)
Item 60	March 28, 2013	(1072936)
Item 61	April 05, 2013	(1076725)
Item 62	April 10, 2013	(1075446)
Item 63	April 15, 2013	(1076485)
Item 64	April 16, 2013	(1095674)
Item 65	April 23, 2013	(1060427)
Item 66	April 26, 2013	(1060325)
Item 67	May 08, 2013	(1106599)
Item 68	May 10, 2013	(1088067)
Item 69	May 16, 2013	(1088781)
Item 70	May 28, 2013	(1086783)
Item 71	June 29, 2013	(1098900)
Item 72	July 10, 2013	(1117158)
Item 73	August 08, 2013	(1124915)
Item 74	September 10, 2013	(1116937)
Item 75	September 11, 2013	(1129515)
Item 76	September 18, 2013	(1116554)
Item 77	September 26, 2013	(1121822)
Item 78	October 15, 2013	(1122519)
Item 79	November 20, 2013	(1132747)
Item 80	December 09, 2013	(1147102)
Item 81	December 12, 2013	(1138271)
Item 82	January 14, 2014	(1153172)
Item 83	February 11, 2014	(1160507)

Item 84	February 21, 2014	(1145836)
Item 85	March 18, 2014	(1167152)
Item 86	April 14, 2014	(1174285)
Item 87	April 29, 2014	(1151580)
Item 88	April 30, 2014	(1151536)
Item 89	May 13, 2014	(1180473)
Item 90	May 21, 2014	(1167064)
Item 91	May 27, 2014	(1170193)
Item 92	June 20, 2014	(1187371)
Item 93	June 27, 2014	(1172310)
Item 94	June 30, 2014	(1171026)
Item 95	July 01, 2014	(1177683)
Item 96	July 07, 2014	(1178798)
Item 97	July 08, 2014	(1173965)
Item 98	July 11, 2014	(1178751)
Item 99	July 17, 2014	(1198491)
Item 100	July 21, 2014	(1180393)
Item 101	July 22, 2014	(1172789)
Item 102	July 23, 2014	(1183745)
Item 103	July 29, 2014	(1184303)
Item 104	August 18, 2014	(1198492)
Item 105	August 22, 2014	(1186354)
Item 106	September 09, 2014	(1185957)
Item 107	September 10, 2014	(1205776)
Item 108	September 11, 2014	(1192160)
Item 109	September 22, 2014	(1184876)
Item 110	September 26, 2014	(1186869)
Item 111	October 14, 2014	(1212188)
Item 112	October 16, 2014	(1190467)
Item 113	October 24, 2014	(1204187)
Item 114	November 18, 2014	(1218440)
Item 115	December 09, 2014	(1198130)
Item 116	December 15, 2014	(1224219)
Item 117	January 14, 2015	(1216683)
Item 118	January 16, 2015	(1230746)
Item 119	February 13, 2015	(1227277)
Item 120	February 17, 2015	(1242256)
Item 121	March 12, 2015	(1230494)
Item 122	March 13, 2015	(1248585)
Item 123	March 17, 2015	(1229449)
Item 124	April 16, 2015	(1255485)
Item 125	April 17, 2015	(1245913)
Item 126	May 12, 2015	(1262195)
Item 127	May 20, 2015	(1252569)
Item 128	June 09, 2015	(1246524)
Item 129	July 01, 2015	(1260871)
Item 130	July 08, 2015	(1254698)
Item 131	July 17, 2015	(1276910)
Item 132	September 18, 2015	(1280823)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	10/07/2014	(1196062)	CN600582399
	Self Report?	NO		Classification: Moderate
	Citation:	ELMR 1 PERMIT		
	Description:	Failure by Total Petrochemicals USA, Inc. to discharge compliant effluent daily average flow.		
	Self Report?	NO		Classification: Moderate
	Citation:	ELMR 1 PERMIT		

Description: Failure by Total Petrochemicals USA, Inc. to discharge compliant effluent for total organic carbon through Outfall 004.

- 2 Date: 10/17/2014 (1196041) CN600582399
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
46396/PSD-TX-1072M1, Special Condition 9 PERMIT
5C THSC Chapter 382 382.085(b)
Special Condition 29 OP
Description: Failure to complete the Oxides of Nitrogen (NOx) monitor Relative Accuracy Test Audit (RATA) for the Sulfur Recovery Unit Number 4 Tailgas Thermal Incinerator.
- 3 Date: 01/12/2015 (1211877) CN600582399
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THSC Chapter 382 382.085(b)
Description: Failure to prevent a nuisance condition.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1 PERMIT
SC 16 OP
SC 1A OP
Description: Failure to maintain an emission rate below the allowable emissions limit during a non-reportable emissions event.
- 4 Date: 02/23/2015 (1227145) CN600582399
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 29 OP
Description: Failure to maintain emissions below the allowable emissions limit during Incident 1211413.
- 5 Date: 05/31/2015 (1269364) CN600582399
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 6 Date: 07/15/2015 (1253614) CN600582399
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 11 PERMIT
Special Terms and Conditions 29 OP
Description: Failure to maintain the 0.01 MMBtu/HR NOx limit.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT LLL 60.648(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)

Description: Special Condition 55 (E) PERMIT
 Special Terms and Conditions 1A OP
 Special Terms and Conditions 29 OP
 Failure to cap open-ended lines.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 50 PERMIT
 Special Terms and Conditions 29 OP

Description: Failure to maintain the flare's net heating value of 300 British Thermal Units per standard cubic feet (Btu/scf) or greater.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 117, SubChapter B 117.105(a)(1)
 30 TAC Chapter 117, SubChapter B 117.105(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12 PERMIT
 Special Terms and Conditions 29 OP

Description: Failure to maintain the Cogeneration NOx ppm limit.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11 PERMIT
 Special Terms and Conditions 29 OP

Description: Failure to maintain the Package Boilers H-300 and H-350 NOx ppm limit.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Description: Special Condition 1 PERMIT
 Special Terms and Conditions 29 OP
 Failure to maintain EPN MSS_TANK pound per hour (lb/hr) CO limit.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Terms and Conditions 29 OP

Description: Failure to maintain allowable emission limits for the Sulfur Recovery Unit 5 (SRU-5) Incinerator (EPN 36SRUINCIN).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Terms and Conditions 29 OP

Description: Failure to maintain MAERT limit for Delayed Coker Unit (DCU) Heater Number (No.) 1.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Terms and Conditions 29 OP

Description: Failure to maintain an emission rate below the SRU No. 1 & 3 Tail Gas Thermal Oxidizer's (EPN 15SRUINCIN) allowable emission limit.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Terms and Conditions 29 OP

Description: Failure to maintain an emission rate below the FLARECAP (EPN FLARECAP) allowable emission limit.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Terms and Conditions 29 OP

Description: Failure to maintain the SRU No. 4 Incinerator (EPN 25SRUINCIN) allowable limits.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Terms and Condition 29 OP

Description: Failure to maintain the Regenerator Flue Gas's (EPN 55RGNFLUGS) allowable emission limits.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 25 PERMIT
Special Terms and Conditions 29 OP

Description: Failure to maintain 250 ppm SO2 limits.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 25 PERMIT
Special Terms and Conditions 29 OP

Description: Failure to maintain 250 ppm SO2 limits.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 50 PERMIT
Special Terms and Conditions 29 OP

Description: Failure to operate a flare with a flame or constant pilot flame at all times.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Terms and Conditions 29 OP

Description: Failure to maintain an emission rate below the Cogeneration Unit's (EPN 60COGENSTK) allowable emission limit.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Terms and Conditions 29 OP
 Description: Failure to maintain the Charge Heater's (EPN 01ACU1202A) allowable emission limits.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter D 115.354(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(ii)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition 25 PERMIT
 Special Condition 55 F PERMIT
 Special Condition 55 G PERMIT
 Special Terms and Conditions 1A OP
 Special Terms and Conditions 29 OP
 Description: Failure to monitor components.

7 Date: 08/12/2015 (1252646) CN600582399
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)
 Description: Failure to maintain weekly Container Storage Area (CSA) inspection records for the 2014 calendar year.
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(d)(2)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)(ii)
 Description: Failure to label 18 one-gallon hazardous waste containers at the Satellite Accumulation Area (SAA) located in the QAQC lab.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.4
 Description: Failure to prevent an unauthorized disposal of coke into the boat canal.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.4
 Description: Failure to prevent an unauthorized disposal of oil at 45P217A sump adjacent to the Neches River.
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
 30 TAC Chapter 335, SubChapter E 335.112(a)(8)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)
 Description: Failure to keep a hazardous waste container (roll-off box) closed at waste management unit, NOR#5.

8 Date: 08/26/2015 (1273087) CN600582399
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Terms and Conditions 29 OP
 Description: Failure to maintain allowable emission limits.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Special Condition 1 PERMIT
Special Terms and Conditions 29 OP

Description: Failure to maintain allowable emission limits.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 11 PERMIT
Special Terms and Conditions 29 OP

Description: Failure to maintain oxides of nitrogen (NOx) pounds per million british thermal units (lb/MMBtu) limit.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 11 PERMIT
Special Terms and Conditions 29 OP

Description: Failure to maintain NOx lb/MMBtu limit.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 11 PERMIT
Special Terms and Conditions 29 OP

Description: Failure to maintain NOx lb/MMBtu limit.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 22 PERMIT
Special Terms and Conditions 29 OP

Description: Failure to maintain minimum daily sulfur recovery efficiency.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 6 PERMIT
Special Terms and Conditions 1 OP
Special Terms and Conditions 29 OP

Description: Failure to maintain refinery fuel gas hydrogen sulfide concentration limit.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.110(c)
30 TAC Chapter 117, SubChapter B 117.135
30 TAC Chapter 117, SubChapter B 117.140
30 TAC Chapter 117, SubChapter G 117.8100
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13
5C THSC Chapter 382 382.085(b)
Special Condition 93 PERMIT
Special Terms and Conditions 1 A OP
Special Terms and Conditions 29 OP

Description: Failure to calibrate the continuous emission monitor with the proper span value.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report deviations in the semiannual deviation report and accurately certify the annual permit compliance certification.

F. Environmental audits:

Notice of Intent Date: 11/30/2011 (981069)
No DOV Associated

Notice of Intent Date: 05/08/2013 (1093847)
Disclosure Date: 11/01/2013

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT BB 61.302(I)
Rqmt Prov: PERMIT SC 14
PERMIT SC 2, 3, 4, 5

Description: Failed to install a car seal on 15 valves that could divert a vent stream from a control device in the Refinery's McGill Thermal Oxidizer vent system, and install 11 valves that could divert a vent stream from a control device in the Refinery's Zinc Thermal Oxidizer vents system.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT BB 61.303(g)(2)
Rqmt Prov: PERMIT SC 14
PERMIT SC 2,3,4,5

Description: Failed to monitor 15 valves in the McGill Thermal Oxidizer vent system once per months and 11 valves in the Zinc Thermal Oxidizer vent system once per month. Both vent system's were not checked for the position of the valve and condition of the car seal, and were not identified the times when the car seal had been broken and valve position had been changed.

Viol. Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT BB 61.305(g)
Rqmt Prov: PERMIT SC 14
PERMIT SC 2,3,4,5

Description: Failed to keep for at least 2 years of up to date, readily accessible records of all times when maintenance is performed on car-sealed valves, when the car seal is broken, when the valve position is changed for 15 valves in the McGill Thermal Oxidizer vent system that are monitored under 61.303(g)(2), and when the valve position is changed for 11 valves in the Zinc Thermal Oxidizer vent system that are monitored under 61.303(g)(2).

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.563(a)(1)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.651
Rqmt Prov: PERMIT SC 2,3,4,5
PERMIT SC 24

Description: Failed to use a car seal for each of the 15 valves in the marine terminal's McGill Thermal Oxidizer vapor collection system, and for each of the 15 valves in the marine terminal's Zinc Thermal Oxidizer vapor collection system, that would route displaced vapors to the atmosphere either directly or indirectly.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.563(a)(1)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.651
Rqmt Prov: PERMIT SC 2,3,4,5
PERMIT SC 24

Description: Failed to ensure repairs were made to valves, car seals or closure mechanisms no more than 15 days after a change in the position of the valve or a break in the car seal or closure mechanism on the McGill Thermal Oxidizer vapor collection system and the Zinc Thermal Oxidizer vapor collection system.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.564(b)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.651
Rqmt Prov: PERMIT SC 2,3,4
PERMIT SC 24

Description: Failed to visually inspect each of the 15 car seals in the marine terminal's McGill Thermal Oxidizer vapor collection system and the 11 car seals in the marine terminal's Zinc Thermal Oxidizer vapor collection system, once during each marine tank vessel loading operation and at least once every month to ensure that the valve is maintained in the closed position and that the vent stream is not diverted through the bypass line, and failure to record all times when the car seals have been broken an

Viol. Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.567(g)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.651
Rqmt Prov: PERMIT SC 2, 3,4, 5
PERMIT SC 24

Description: Failed to keep for at least 5 years up to date, readily accessible continuous records of: all times when

maintenance is performed on car sealed valves, when the car seal is broken, and when the valve position is changed for the 15 valves in the McGill Thermal Oxidizer vent system that are monitored under 63.564(b), and for the 11 valves in the Zinc Thermal Oxidizer vent system that are monitored under 63.564(b).

Notice of Intent Date: 05/15/2013 (1102524)
No DOV Associated

Notice of Intent Date: 06/28/2013 (1102501)

Disclosure Date: 02/18/2014

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Rqmt Prov: PERMIT Special Conditions No. 55.F.

Description: Failure to monthly monitor one 199 valves in gas/vapor and light liquid service in the Diesel Hydrotreater 1 Unit (Unit 805).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e)

Description: Failure to submit initial semiannual reports for 199 valves in gas/vapor and light liquid service in the Diesel Hydrotreater 1 Unit (Unit 805).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

Rqmt Prov: PERMIT Special Conditions No. 55.G.

Description: Failure monthly monitor five pumps in light liquid service in the Diesel Hydrotreater 1 Unit (Unit 805).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e)

Description: Failure to submit an initial semiannual report for five pumps in light liquid service in the Diesel Hydrotreater 1 Unit (Unit 805).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)

Description: Failure to conduct initial inspection of the closed vent system in the Diesel Hydrotreater 1 Unit (Unit 805).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(ii)

Description: Failure to conduct annual visual inspections of the closed vent system for visible, audible, and olfactory indications of leaks (in the Diesel Hydrotreater 1 Unit (Unit 805)).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)

Rqmt Prov: PERMIT Special Conditions No. 55.F.

Description: Failure to quarterly monitor one valve in light liquid service in the Gasoline Re-run Unit (Unit 810).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(f)(1)

Description: Failed to conduct an initial inspection of the closed vent system in the Gasoline Re-run Unit (Unit 810).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(f)(1)(ii)

Description: Failure to conduct annual visual inspections of the closed vent system for visible, audible, and olfactory indications of leaks (Gasoline Re-run Unit 810).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Rqmt Prov: PERMIT Special Conditions No. 55.F.

Description: Failure to monthly monitor 93 valves in gas/vapor and light liquid service in the Atmospheric Crude Unit #2 (Unit 812).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)

Description: Failure to conduct initial inspection of the closed vent system in Unit 812-Atmospheric Crude Unit #2.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(ii)

Description: Failure to conduct annual visual inspections of closed vent system for visible, auditable, or olfactory indications of leaks (Unit 812 - Atmospheric Crude Unit #2).
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
Rqmt Prov: PERMIT Special Conditions No. 55.F.

Description: Failure to monthly monitor 66 valves in gas/vapor and light liquid service (Unit 813 - Diesel Hydrotreater Unit #2).
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)

Description: Failure to conduct initial inspection of the closed vent system (Unit 813 - Diesel Hydrotreater Unit #2).
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(ii)

Description: Failure to conduct annual visual inspections of closed vent system for visible, audible, and olfactory indications of leaks (Unit 813 - Diesel Hydrotreater Unit #2).
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
Rqmt Prov: PERMIT Special Conditions No. 55.F.

Description: Failure to monthly monitor 94 valves in gas/vapor and light liquid service (Unit 820 - Unibon Unit).
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)

Description: Failure to conduct initial inspection of the closed vent system (Unit 820 - Unibon Unit).
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(ii)

Description: Failure to conduct annual inspections of the closed vent system for visible, audible, or olfactory indications of leaks (Unit 820 - Unibon Unit).
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
Rqmt Prov: PERMIT Special Condition No. 55.F.

Description: Failure to monthly monitor 134 valves in gas/vapor and light liquid service (Unit 821 - Demex Unit).
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
Rqmt Prov: PERMIT Special Conditions No. 55.F.

Description: Failure to monthly monitor one valve in light liquid service (Unit 821 - Demex Unit).
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)

Description: Failure to conduct initial inspection of the closed vent system (Unit 821 - Demex Unit).
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(ii)

Description: Failure to conduct annual visual inspections of the closed vent system for visible, audible, or olfactory indications of the leaks (Unit 821 - Demex Unit).
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
Rqmt Prov: PERMIT Special Conditions No. 55.G.

Description: Failure to monthly monitor 80 valves in gas/vapor and light liquid service (Unit 826 - Diesel Hydrotreater #2 Florida Unit).
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
Rqmt Prov: PERMIT Special Conditions No. 55.G.

Description: Failure to monthly monitor two pumps in light liquid service (Unit 826 - Diesel Hydrotreater #2 Florida Unit).
Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(D)
 Rqmt Prov: PERMIT Special Condition No. 55.F.

Description: Failure to monitor one pressure relief valve in gaseous service (Unit 826 - Diesel Hydrotreater #2 Florida Unit).
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)

Description: Failure to conduct initial inspection of the closed vent system (Unit 826 - Diesel Hydrotreater #2 Florida Unit).
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(ii)

Description: Failure to conduct annual inspections of the closed vent system for visual, audible, and olfactory indications of leaks (Unit 826 - Diesel Hydrotreat #2 Florida Unit).

Notice of Intent Date: 10/07/2013 (1123845)
 No DOV Associated

Notice of Intent Date: 08/28/2014 (1196209)
 No DOV Associated

Notice of Intent Date: 12/04/2014 (1215111)
 Disclosure Date: 07/21/2015
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGGa 60.592a(e)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)(i)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to record in a log a list of identification number for 142 closed vent system piping connection which are subject to the requirements of 40 CFR, Part 60, Subpart VV.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to conduct weekly visual inspections of the pumps for visible, audible, and olfactory indication of leaks during the period of August 1, 2014 to March 17, 2015.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
 Rqmt Prov: PERMIT Special Condition 56.F.

Description: Failure to quarterly Method 21 monitor 22 valves in gas/vapor and light liquid service for the 4th quarter of 2014.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to conduct initial inspection of the closed vent system for two valves and four connectors.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to conduct annual visual inspections of the closed vent system for the visible, audible, and olfactory indication of leaks for two valves and four connectors.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to conduct initial inspection of the closed vent system (1 valve and 13 connectors) in Unit 812-2 Atmospheric Crude Unit 2.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to conduct annual visual inspections of the closed vent system for visible, audible, and olfactory indications of leaks (1 valve, 13 connectors) in Unit 812-2.

Viol. Classification: Minor
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to conduct initial inspection of the closed vent system (4 valves 21 connectors) in Unit 813.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to conduct annual visual inspections of the closed vent system for visible, audible, and olfactory indications of leaks (4 valves, 21 connectors in Unit 813).
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Description: Failure to conduct initial inspection of the closed vent system (12 valves, 12 connectors in Unit 819).

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Description: Failure to conduct annual visual inspections of the closed vent system for visible, audible, and olfactory indications of leaks (12 valves, 12 connectors in Unit 819).

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to conduct weekly visual inspections of the pumps for visible, audible, and olfactory indication of leaks (2 pumps in Unit 820) during the period of August 1, 2014 to June 18, 2015.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Rqmt Prov: PERMIT SC 57.F.

Description: Failure to quarterly Method 21 monitor nitro valves in gas/vapor and light liquid service in Unit 820 (missed Method 21 inspection 3rd and 4th Quarter of 2014 and 1st quarter of 2015).

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Description: Failure to conduct initial inspection of the closed vent system (2 valves, 14 connectors in Unit 820).

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Description: Failure to conduct annual visual inspections of the closed vent system for visible, audible, and olfactory indications of leaks (2 valves, 14 connectors in Unit 820).

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Description: Failure to conduct initial inspection of the closed vent system (4 valves and 4 connectors in Unit 821).

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Description: Failure to conduct annual visual inspections of the closed vent system for visible, audible, and olfactory indications of leaks (4 valves, 4 connectors in Unit 821).

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to conduct weekly visual inspections of the pumps for visible, audible, and olfactory indications of leaks (2 pumps in Unit 829). These pumps are controlled with dual mechanical seals and exempt from monthly Method 21 inspections.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Rqmt Prov: PERMIT SC 56.F.

Description: Failure to monthly monitor 55 valves in light liquid and gas/vapor service in Unit 829.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to conduct initial inspection of the closed vent system (4 valves, 4 connectors in Unit 829).

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to conduct annual visual inspections of the closed vent system for visible, audible, and olfactory indications of leaks (4 valves, 4 connectors in Unit 829).

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to conduct initial inspection of the closed vent system (6 valves, 23 connectors in Unit 835).

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to conduct annual visual inspections of the closed vent system for visible, audible, and olfactory indications of leaks (6 valves, 23 connectors in Unit 835).

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to conduct initial inspection of the closed vent system (4 valves, 8 connectors in Unit 838).

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to conduct annual visual inspections of the closed vent system for visible, audible, and olfactory indications of leaks (4 valves, 8 connectors in Unit 838).

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: TOTAL PETRO CHEMICALS USA PORT AR

Reg Entity Add: HIGHWAY 366 AND 32ND STREET

Reg Entity City: PORT ARTHUR

Reg Entity No: RN102457520

EPA Case No: 06-2005-3408

Order Issue Date (yyyymmdd): 20131108

Case Result:

Statute: CAA

Sect of Statute: 110

Classification: Moderate

Program: National Emission Stand

Citation:

Violation Type: New Source Performance
Standard

Cite Sect:

Cite Part:

Enforcement Action: Consent Decree or Court Order Resolving a Civil

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TOTAL PETROCHEMICALS &
REFINING USA, INC.
RN102457520**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2015-1184-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Total Petrochemicals & Refining USA, Inc. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refinery plant located at 7600 32nd Street in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about July 20, 2015 and July 27, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Hundred Thirteen Thousand Three Hundred Fifty-Four Dollars (\$113,354) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Forty-Five

Thousand Three Hundred Forty-Two Dollars (\$45,342) of the administrative penalty and Twenty-Two Thousand Six Hundred Seventy Dollars (\$22,670) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Forty-Five Thousand Three Hundred Forty-Two Dollars (\$45,342) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On March 5, 2015, implemented steam shedding procedures and modified routine maintenance practices of swapping the fuel gas regulators on the package boiler from biweekly to monthly to prevent a recurrence of emissions events due to the same causes as Incident No. 210955;
 - b. On March 15, 2015, installed a hybrid gasket, steam rings, and rain shields and replaced bolts to prevent a recurrence of emissions events due to the same causes as Incident No. 211254; and
 - c. On May 4, 2015, trained operational staff to increase steam production at the Fluid Catalytic Cracking Unit in response to increased steam demand to prevent a recurrence of emissions events due to the same causes as Incident No. 211622 and to take immediate steps to restart the compressor to prevent a recurrence of emissions events due to the same causes as Incident No. 211941.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to comply with the emissions limits for the Delayed Coker Unit ("DCU") Heater No. 2, Emission Point Number ("EPN") 30CKRHTR2, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. 01267, Special Terms and Conditions ("STC") No. 29, and New Source Review ("NSR") Permit Nos. 46396, PSDTX1073M2, and No44, Special Conditions ("SC") No. 11, as documented during a record review conducted on May 26, 2015. Specifically, the Respondent exceeded the hourly emissions limits of 0.01 pound per Million British thermal units ("lb/MMBtu") of nitrogen oxides ("NOx") and 50 parts per million by volume, dry corrected to three percent oxygen ("ppmvd @ 3% O2") of carbon monoxide ("CO") for 525 hours with a range of 0.0172 to 0.1438 lb/MMBtu of NOx and for 271 hours with a range of 423.9 to 855 ppmvd @ 3% O2 of CO from October 10, 2014 through November 1, 2014, resulting in the release of approximately 346.7 pounds ("lbs") of NOx and 1,696.78 lbs of CO.
2. Failed to comply with the NOx concentration limit for the Cogeneration Unit, EPN 60COGENSTK, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 117.105(a)(1), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01267, STC Nos. 1A and 29, and NSR Permit Nos. 46396, PSDTX1073M2, and No44, SC No. 12, as documented during a record review conducted on May 26, 2015. Specifically, the Respondent exceeded the NOx concentration limit of 42 ppmvd at 15% O2, for 463 hours with a range of 42.506 to 85.927 ppmvd at 15% O2, from March 6, 2014 through April 11, 2014.
3. Failed to comply with the maximum allowable emissions rate ("MAER") for the charge heater, EPN LAERCNQFUG, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01267, STC No. 29, and NSR Permit Nos. 46396, PSDTX1073M2, and No44, SC No. 1, as documented during a record review conducted on May 26, 2015. Specifically, the Respondent exceeded the volatile organic compounds ("VOC") hourly emissions rate of 12.67 lbs per hour ("lbs/hr") for one hour on February 19, 2014, resulting in the unauthorized release of 293.33 lbs of VOC.
4. Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 01267, STC No. 2F, as documented during a record review conducted on May 26, 2015. Specifically, the Respondent did not notify the TCEQ within 24 hours of discovering an emissions event that began on February 19, 2014 at 6:30 a.m. and lasted for one hour at the charge heater, EPN LAERCNQFUG.
5. Failed to conduct weekly sampling for total dissolved solids, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01267, STC No. 29, and NSR Permit Nos. 46396, PSDTX1073M2, and No44, SC No. 39, as documented during a record review conducted on May 26, 2015. Specifically, the Respondent did not collect weekly total dissolved solids samples

from the Deep Conversion Project ("DCP") Cooling Tower, EPN 30DCPCT1, for eight weeks in Calendar Year 2013 and 33 weeks in Calendar Year 2014.

6. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01267, STC No. 29, and NSR Permit Nos. 46396, PSDTX1073M2, and No44, SC No. 1, as documented during a record review conducted on May 27, 2015. Specifically, the Respondent released 7,098.63 lbs of sulfur dioxide ("SO₂") and 77.36 lbs of hydrogen sulfide ("H₂S") from the East Flare and South Flare, EPN FLARECAP, during an avoidable emissions event (Incident No. 210955) that began on March 5, 2015 and lasted 5 hours. The event occurred due to a fuel pressure imbalance which caused the package boilers to shut down on low fuel gas pressure and resulted in flaring. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
7. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01267, STC No. 29, and NSR Permit Nos. 46396, PSDTX1073M2, and No44, SC No. 1, as documented during a record review conducted on May 27, 2015. Specifically, the Respondent released 1,059.86 lbs of SO₂ and 24.65 lbs H₂S from the North Flare, East Flare, and South Flare, EPN FLARECAP, during an avoidable emissions event (Incident No. 211254) that began on March 12, 2015 and lasted one hour and 37 minutes. The event occurred due to gasket failure and the failure of the temporary clamp, allowing emissions to vent directly into the atmosphere. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
8. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01267, STC No. 29, and NSR Permit Nos. 46396, PSDTX1073M2, and No44, SC No. 1, as documented during a record review conducted on May 27, 2015. Specifically, the Respondent released 394.32 lbs of CO, 68.93 lbs of NO_x, 271.66 lbs of VOC, 7,540 lbs of SO₂, and 866.11 lbs of H₂S from the North Flare, East Flare, and South Flare, EPN FLARECAP, during an avoidable emissions event (Incident No. 211622) that began on March 21, 2015 and lasted 32 minutes. The event occurred due to the loss of pressure at the 600-lb steam header, which was attributed to heavy rainfall, and caused excess process gases to be vented to the refinery's flare gas system. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
9. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01267, STC No. 29, and NSR Permit Nos. 46396, PSDTX1073M2, and No44, SC No. 1, as documented during a record review conducted on May 27, 2015. Specifically, the Respondent released 149.78 lbs of CO, 30.08 lbs of NO_x, 5,226.24 lbs of SO₂, and 596.29 lbs of H₂S from the North Flare, East Flare, and South Flare, EPN FLARECAP, during an avoidable emissions event (Incident No. 211941) that began on March 28, 2015 and lasted 23 minutes. The event occurred due to a high pressure drop across the fin fans

causing a temperature excursion which over-pressurized the settling drum and resulted in flaring. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Total Petrochemicals & Refining USA, Inc., Docket No. 2015-1184-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Forty-Five Thousand Three Hundred Forty-Two Dollars (\$45,342) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures and/or procedures to ensure compliance with the emission limits for NOx and CO for EPN 30CKRHTR2;
 - ii. Implement measures and/or procedures to ensure compliance with the NOx concentration limit for EPN 60COGENSTK;
 - iii. Implement measures and/or procedures to ensure compliance with the hourly VOC emissions rate for EPN LAERCNQFUG;

- iv. Implement measures and/or procedures to ensure that initial notifications for reportable emissions events are submitted in a timely manner; and
 - v. Implement measures and/or procedures to ensure weekly sampling for total dissolved solids are conducted.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes

aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



4/8/16

For the Executive Director

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

11/18/15

Date

NIGEL TRANTER

Name (Printed or typed)
Authorized Representative of
Total Petrochemicals & Refining USA, Inc.

PLANT MANAGER

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2015-1184-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Total Petrochemicals & Refining USA, Inc.
Penalty Amount:	Ninety Thousand Six Hundred Eighty-Four Dollars (\$90,684)
SEP Offset Amount:	Forty-Five Thousand Three Hundred Forty-Two Dollars (\$45,342)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i>
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-

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month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to the following address.

Southeast Texas Regional Planning Commission
Attention: Pamela Lewis, Program Manager
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to the following address.

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to the following address.

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

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6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.